

**EN BLOC AMENDMENTS TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO AMEND-
MENT TO H.R. 5164**

OFFERED BY MR. STEARNS

Page 1, strike line 5 and all that follows through
line 8 on page 3 and insert the following:

1 SEC. 2. REPORTING REQUIREMENTS.

2 (a) DEFECTS IN FOREIGN COUNTRIES.—Section
3 30118 of title 49, United States Code, is amended by add-
4 ing at the end the following:

5 “(f) REPORTING OF DEFECTS IN MOTOR VEHICLES
6 AND PRODUCTS IN FOREIGN COUNTRIES.—

7 “(1) REPORTING OF DEFECTS.—

8 “(A) MANUFACTURER DETERMINATION.—

9 Not later than 5 working days after deter-
10 mining to conduct a safety recall or other safety
11 campaign in a foreign country on a motor vehi-
12 cle or motor vehicle equipment that is also of-
13 fered for sale in the United States, the manu-
14 facturer shall report the determination to the
15 Secretary.

16 “(B) FOREIGN GOVERNMENT DETERMINA-
17 TION.—Not later than 5 working days after re-
18 ceiving notification that the government of a

1 foreign country has determined that a safety re-
2 call or other safety campaign must be con-
3 ducted in the foreign country on a motor vehicle
4 or motor vehicle equipment that is also offered
5 for sale in the United States, the manufacturer
6 of the motor vehicle or motor vehicle equipment
7 shall report the determination to the Secretary.

8 “(C) REPORTING REQUIREMENTS.—The
9 Secretary shall prescribe the contents of the no-
10 tification required by this paragraph.

11 “(2) REPORTING OF POSSIBLE DEFECTS.—The
12 manufacturer of a motor vehicle or motor vehicle
13 equipment shall report to the Secretary, on an ag-
14 gregate basis using statistical analyses and in such
15 manner as the Secretary establishes by regulation,
16 all alleged or proven incidents of which it is on ac-
17 tual notice involving serious injuries or fatalities in
18 a foreign country caused by a defect in such manu-
19 facturer’s motor vehicle or motor vehicle equipment
20 that is also offered for sale in the United States.”.

21 (b) EARLY WARNING REPORTING REQUIREMENTS.—
22 Section 30166, of title 49, United States Code, is amended
23 by adding at the end the following:

24 “(1) EARLY WARNING REPORTING REQUIREMENTS.—

1 “(1) RULEMAKING REQUIRED.—Not later than
2 120 days after the date of enactment of the Trans-
3 portation Recall Enhancement, Accountability, and
4 Documentation (TREAD) Act, the Secretary shall
5 initiate a rulemaking proceeding to establish early
6 warning reporting requirements for manufacturers
7 of motor vehicles and motor vehicle equipment to en-
8 hance the Secretary’s ability to carry out the provi-
9 sions of this chapter.

10 “(2) DEADLINE.—The Secretary shall issue a
11 final rule under paragraph (1) not later than June
12 30, 2002.

13 “(3) REPORTING ELEMENTS.—

14 “(A) WARRANTY AND CLAIMS DATA.—As
15 part of the final rule promulgated under para-
16 graph (1), the Secretary shall require manufac-
17 turers of motor vehicles and motor vehicle
18 equipment to report, periodically or upon re-
19 quest by the Secretary, information which is re-
20 ceived by the manufacturer derived from foreign
21 and domestic sources to the extent that such in-
22 formation may assist in the identification of de-
23 fects related to motor vehicle safety in motor
24 vehicles and motor vehicle equipment in the
25 United States and which concerns—

1 “(i) data on claims submitted to the
2 manufacturer for personal injuries (includ-
3 ing death) and property damage from al-
4 leged defects in a motor vehicle or in motor
5 vehicle equipment ; and

6 “(ii) customer satisfaction campaigns,
7 consumer advisories, recalls, or other activ-
8 ity involving the repair or replacement of
9 motor vehicles or items of motor vehicle
10 equipment.

11 “(B) OTHER DATA.—As part of the final
12 rule promulgated under paragraph (1), the Sec-
13 retary may, to the extent that such information
14 may assist in the identification of defects re-
15 lated to motor vehicle safety in motor vehicles
16 and motor vehicle equipment in the United
17 States, require manufacturers of motor vehicles
18 or motor vehicle equipment to report, periodi-
19 cally or upon request of the Secretary, such in-
20 formation as the Secretary may request.

21 “(4) HANDLING AND UTILIZATION OF REPORT-
22 ING ELEMENTS.—

23 “(A) SECRETARY’S SPECIFICATIONS.—In
24 requiring the reporting of any information re-
25 quested by the Secretary under this subsection,

1 the Secretary shall specify in the final rule pro-
2 mulgated under paragraph (1)—

3 “(i) how such information will be re-
4 viewed and utilized to enhance the identi-
5 fication of safety related defects;

6 “(ii) the systems and processes the
7 Secretary will employ or establish to per-
8 mit such information to be reviewed and
9 utilized; and

10 “(iii) the manner and form of report-
11 ing such information, including in elec-
12 tronic form.

13 “(B) INFORMATION IN POSSESSION OF
14 MANUFACTURER.—The regulations promulgated
15 by the Secretary under paragraph (1) may not
16 require a manufacturer of a motor vehicle or
17 motor vehicle equipment to maintain and sub-
18 mit records respecting information not in the
19 possession of the manufacturer.

20 “(C) DISCLOSURE.—None of the informa-
21 tion collected pursuant to the final rule promul-
22 gated under paragraph (1) shall be disclosed
23 pursuant to section 30167(b) unless the Sec-
24 retary determines the disclosure of such infor-

1 mation will assist in carrying out sections
2 30117(b) and 30118 through 30121.

3 “(D) BURDENSOME REQUIREMENTS.—In
4 promulgating the final rule under paragraph
5 (1), the Secretary shall not impose require-
6 ments unduly burdensome to a manufacturer of
7 a motor vehicle or motor vehicle equipment,
8 taking into account the manufacturer’s cost of
9 complying with such requirements and the Sec-
10 retary’s ability to use the information in a
11 meaningful manner to enhance the identifica-
12 tion of safety related defects.

13 “(5) PERIODIC REVIEW.—As part of the final
14 rule promulgated pursuant to paragraph (1), the
15 Secretary shall specify procedures for the periodic
16 review and update of such rule.

17 “(6) INSURANCE.—The Secretary shall conduct
18 a study to determine the feasibility and utility of ob-
19 taining under this chapter aggregate information on
20 a regular and periodic basis regarding claims made
21 for motor vehicle accidents from persons in the busi-
22 ness of providing motor vehicle insurance or of ad-
23 justing motor vehicle insurance claims.”.

Page 4, strike lines 14 through 21 and insert the
following:

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to any sums authorized to be appro-
3 priated by sections 30104 or 32102 of title 49, United
4 States Code, there is authorized to be appropriated to the
5 Secretary of Transportation for the National Highway
6 Traffic Safety Administration for fiscal year 2001
7 \$9,100,000 to carry out this Act and the amendments
8 made by this Act. Such funds shall not be available for
9 the general administrative expenses of the Secretary or the
10 Administration.